

The West Fargo City Commission met on Monday, May 7, 2012, at 5:30 P.M. Those present were Rich Mattern, Lou Bennett, Mark Simmons, Mike Thorstad and Duane Hanson. The meeting was called to order by Rich Mattern, President of the Board.

The Pledge of Allegiance was recited.

Commissioner Mattern advised that “Resolution Approving Contract and Contractor’s Bond for Street Improvement District No. 2218” is to be added to the Consent Agenda, Item 1 of the Consent Agenda, “Shadow Creek 2<sup>nd</sup> Addition: Reapproval of Final Plat” is to be removed from the Consent Agenda and Item No. 10 of the Regular Agenda should read Ordinance No.919, not No. 912. Commissioner Hanson moved and Commissioner Thorstad seconded to approve the Order of Agenda with the changes as noted. No opposition. Motion carried.

Commissioner Bennett moved and Commissioner Simmons seconded to approve the Minutes of April 16, 2012. No opposition. Motion carried.

The Commission reviewed Building Permits #164 – 254, the Building Department Activity Report dated May 7, 2012 and the Building Department Monthly Comparison Report for April 2011/April 2012.

There were no Commissioner Committee Reports.

Commissioner Hanson moved and Commissioner Bennett seconded to approve the following items on the Consent Agenda:

Bills

Reappointment of David Janssen (April 2014), Lynn Stamsten (April 2014) and Mary Beth Odegaard (April 2015) to the West Fargo Urban Forestry Committee

Designation of the West Fargo Pioneer as the official newspaper for the City of West Fargo

Resolution Approving Contract and Contractor’s Bond for Well #9 Rehabilitation

Resolution Approving Contract and Contractor's Bond in Sewer, Water, Storm and Street Improvement District No. 1234

Resolution Approving Contract and Contractor's Bond in Street Improvement District No. 2217

Gaming Site Authorizations: ShareHouse Inc at O'Leary's Pub and Team Makers Club, Inc. at Hooligans

Appointment of Andrea Smith and Steven Dawson as secondary Alternate Municipal Judges for the City of West Fargo

Public Hearing May 21, 2012 at 5:45 PM for West Fargo 2<sup>nd</sup> Addition rezoning from Agricultural to Heavy Industrial

Approve KLM Engineering proposal of \$10,800 for inspection of three 500,000 gallon West Fargo Water Towers

Approve Swanston Equipment bid of \$14,927 for 2012 Equipment as approved in 2012 budget

Street Improvement District No. 2216 (Veterans Boulevard 32<sup>nd</sup> to 40<sup>th</sup> Avenue) (40<sup>th</sup> Avenue East 7<sup>th</sup> Street to Veterans Boulevard): Create Assessment District and authorize City Engineer to prepare Engineer's Report

Sewer, Water and Storm Improvement District No. 1241 (Montgomery Farms): Create Assessment District and authorize City Engineer to prepare Engineer's Report

Street Improvement District No. 2221 (Shiloh and Doll's Subdivisions): Create Assessment District and authorize City Engineer to prepare Engineer's Report

Sewer and Water Improvement District No. 1239 (Shiloh Street and 23<sup>rd</sup> Avenue East): Create Assessment District and authorize City Engineer to prepare Engineer's Report

Sewer, Water, Storm and Street Improvement District No. 1240 (Oak Ridge 2<sup>nd</sup> Addition): Create Assessment District and authorize City Engineer to prepare Engineer's Report

Appoint Tom Kiewel to the Planning & Zoning Commission for a term to April 2017

Contract Change Orders: Regional Lift Stations for Sections 19, 29 and 20

Resolution Approving Contract and Contractor's Bond for Street  
Improvement District No. 2218

No opposition. Motion carried.

Commissioner Mattern introduced Dick Walstad, a volunteer leading the Air National Guard support group, who advised that the Air National Guard Base in Fargo could lose all its planes making North Dakota the only state without any planes. Mr. Walstad stated that other local entities had already expressed monetary support, and asked for a commitment of \$12,000 from the City of West Fargo to support a manned air mission at the Air National Guard Base in Fargo. After discussion, Commissioner Simmons moved and Commissioner Bennett seconded to approve funds of \$12,000. Commissioners Mattern, Bennett, Simmons and Thorstad voting aye. Commissioner Hanson abstained from voting. Motion carried.

Property Appraiser Shane Marcuson appeared before the Commission on the request from Carol Holtgard of 129 4<sup>th</sup> Avenue West, West Fargo, ND, for a five year residential remodeling exemption for years 2012-2016 which would result in a tax savings of \$600 per year for five years. After discussion, Commissioner Bennett moved and Commissioner Hanson seconded to grant the Five Year Remodeling Exemption (2012-2016) for 129 4<sup>th</sup> Avenue West. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the Petition for Annexation from Wallace Tintes for an approximate five acre parcel located in the former Federal Beef area. After discussion, Commissioner Hanson moved and Commissioner Simmons seconded to place Ordinance No. 653 on First Reading. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on the assessment lists for:

Sewer, Water, Storm and Street Improvement District No. 1228 (The Wilds First Addition)

Sewer, Water, Storm and Street Improvement District No. 1230 (Westport Beach 7<sup>th</sup> Addition)

Sewer, Water, Storm and Street Improvement District No. 1227 (Prairie Heights Development/Shadow Wood 5<sup>th</sup> Addition)

Street and Storm Improvement District No. 2212 (Christianson First Addition)

Street Improvement District No. 2210 (Eagle Run 19<sup>th</sup> Addition)

Water and Sewer Improvement District No. 1219 (4<sup>th</sup> Street East – Bridge, Roadway & Landscaping)

A Public Hearing was held. There was no public comment and the hearing was closed.

The Board considered the question of approval of the assessment list for Sewer, Water, Storm and Street Improvement District No. 1228 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Bennett and seconded by Commissioner Simmons that the assessment list for Sewer, Water, Storm and Street Improvement District No. 1228 of the City of West Fargo be amended as requested by the developer and approved by City Staff, and that said amended list, which is attached to the Certificate, is hereby confirmed as the final assessment list for District No. 1228. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Sewer, Water, Storm and Street Improvement District No. 1230 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Bennett and seconded by Commissioner Simmons that the assessment list for Sewer, Water, Storm and Street Improvement District No. 1230 of the City of West Fargo be amended as requested by the developer and approved by City Staff, and that said amended list, which is attached to the Certificate, is hereby confirmed as the final assessment list for District No. 1230. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Sewer, Water, Storm and Street Improvement District No. 1227 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Bennett and seconded by Commissioner Simmons that the assessment list for Sewer, Water, Storm and Street Improvement District No. 1227 of the City of West Fargo be amended as requested by the developer and approved by City Staff, and that said amended list, which is attached to the Certificate, is hereby confirmed as the final assessment list for District No. 1227. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Street and Storm Improvement District No. 2212 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Bennett and seconded by Commissioner Simmons that the assessment list for Street and Storm Improvement District No. 2212 of the City of West Fargo be amended as requested by the developer and approved by City Staff, and that said amended list, which is attached to the Certificate, is hereby confirmed as the final assessment list for District No. 2212. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Street Improvement District No. 2210 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Bennett and seconded by Commissioner Simmons that the assessment list for Street Improvement District No. 2210 of the City of West Fargo, as confirmed by the Special Assessment Commission of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

The Board considered the question of approval of the assessment list for Water and Sewer Improvement District No. 1219 as confirmed by the Special Assessment Commission of the City of West Fargo. It was moved by Commissioner Bennett and seconded by Commissioner Simmons that the assessment list for Water and Sewer Improvement District No. 1219 of the City of West Fargo, as confirmed by the Special Assessment Commission of the City of West Fargo, be and the same is hereby confirmed. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on Lot 2, Block 3 of Eagle Run 8<sup>th</sup> Addition rezoning from Limited Multiple Dwellings to Planned Unit Development. A public hearing was held. A resident raised concern about the access onto 34<sup>th</sup> Avenue. There was no other public comment and the hearing was closed. Commissioner Simmons moved and Commissioner Hanson seconded to place the rezoning on First Reading subject to the two conditions listed in the Staff Report. No opposition. Motion carried.

Assistant Police Chief Michael Reitan appeared before the Commission on a Memorandum of Understanding with the City of West Fargo, City of Fargo and Cass County relating to the Edward Byrne Memorial Justice Assistance Grant Program for a grant of \$71,000. After discussion, Commissioner Bennett moved and Commissioner Thorstad seconded to approve the Memorandum of Understanding. No opposition. Motion carried.

Director of Economic Development and Community Services Mark Vaux appeared before the Commission on a Renaissance Zone application from Kurt Lepird for Silver Dollar, Inc. at 221 Sheyenne Street, West Fargo, ND for a major remodeling and expansion project. The Economic Development Advisory Committee has recommended approval of this Renaissance Zone application. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to approve the Renaissance Zone application. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on Ordinance No. 917 relating to City Sidewalks, Driveways Construction Specifications and Numbering of Buildings and advised there were no changes since First Reading. After discussion, Commissioner Bennett moved and Commissioner Hanson seconded to place Ordinance No. 917 on second reading. No opposition. Motion carried.

City Attorney Brian Neugebauer appeared before the Commission on Ordinance No. 911 and Ordinance No. 919 relating to Cass County Electric Cooperative, Inc. and Xcel Energy Electric, electric franchises, and advised there was a change from First Reading on the 2% franchise fee commencement time. After discussion, Commissioner Hanson moved and Commissioner Bennett seconded to place Ordinance No. 911 and Ordinance No. 919 on Second Reading as outlined by City Attorney Brian Neugebauer. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on a request from Shiloh/Klinkhammer of Shiloh 2<sup>nd</sup> Addition for a Conditional Use Permit for Assisted Living Facility. City Engineer Kevin Bucholz also appeared before the Commission. Commissioner Simmons moved and Commissioner Hanson seconded to approve the Final Plat and the Conditional Use Permit subject to the eight recommendations in the Staff Report. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on Ordinance No. 913 on the rezoning of Maple Ridge at the Preserve 2<sup>nd</sup> Addition from Single Family Dwellings to One and Two Family Dwellings and from Agricultural to Rural Residential. Commissioner Bennett moved and Commissioner Thorstad seconded to place Ordinance No. 913 on Second Reading and to approve the Final Plat of Maple Ridge at the Preserve 2<sup>nd</sup> Addition. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Sewer, Water, Storm and Street Improvement District No. 1237 (Maple Ridge at the Preserve 2<sup>nd</sup> Addition). Commissioner Hanson moved and Commissioner Simmons seconded to award the contract for Sewer, Water, Storm and Street Improvement District No. 1237 to Dakota Underground Company, Inc. for their Alternate A bid amount of \$1,236,048.80 and authorize a Notice to Proceed as recommended by City Engineer Kevin Bucholz. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Sewer, Water, Storm and Street Improvement District No. 1238 (The Wilds 2<sup>nd</sup> Addition). Commissioner Simmons moved and Commissioner Bennett seconded to award the contract for Sewer, Water, Storm and Street Improvement District No. 1238 to Dakota Underground Company, Inc. for their bid amount of \$2,996,538.15 for Alternate A/Local and Alternate B/9<sup>th</sup> Street West and authorize a Notice to Proceed as recommended by City Engineer Kevin Bucholz. No opposition. Motion carried.

City Engineer Kevin Bucholz appeared before the Commission on Sewer, Water, Storm and Street Improvement District No. 1235 (Bluestem Drive – 26<sup>th</sup> Avenue East to 31<sup>st</sup> Avenue East). City Attorney Brian Neugebauer also appeared before the Commission. Commissioner Simmons moved and Commissioner Bennett seconded to award the contract for Sewer, Water, Storm and Street Improvement District No. 1235 to Dakota Underground Company for their Base Bid plus Alternate A bid of \$568,029.10 as recommended by City Engineer Kevin Bucholz and subject to getting the documents from property owners. No opposition. Motion carried.

There were no Non-Agenda items.

City Administrator Jim Brownlee reported on the following:  
Bond Refunding sale has been completed

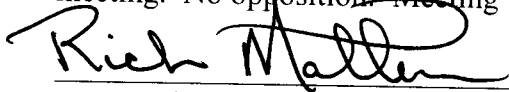
Fargo Cass Economic Development Corporation Annual Meeting will be held  
May 10, 2012, at 11:30 AM at the Hilton Garden Inn

Exchange Club Community Awards will be held May 15, 2012

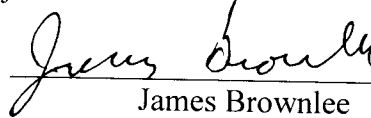
Aquatics Group is still meeting. The estimates came in too high and the group  
is trying to trim costs

There was no correspondence.

Commissioner Hanson moved and Commissioner Bennett seconded to adjourn the  
meeting. No opposition. Meeting was adjourned.



Rich Mattern  
President of the Board



James Brownlee  
City Auditor